

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY ATHENS

AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY LISBON

AMEMBASSY LUXEMBOURG

AMEMBASSY OSLO

AMEMBASSY REYKJAVIK

AMEMBASSY THE HAGUE

C O N F I D E N T I A L STATE 012737

FOLLOWING TELEGRAM FROM SECSTATE WASHDC DATED MARCH 9 1976

SENT BELGRADE, BERN, STOCKHOLM, HELSINKI, VIENNA IS REPEATED

TO YOU: QUOTE

C O N F I D E N T I A L STATE 012737

E.O. 11652:GDS

TAGS: PFOR, NATO, CSCE, SHUM

SUBJECT: HELSINKI FINAL ACT AND UN HUMAN RIGHTS

-- COMMISSION (HRC) SESSION

FOLLOWING IS REPEAT OF STATE 12737 DATED 17 JAN 1976

1. DEPT HAS BEEN CONSIDERING POSSIBLE C-NTINGENCIES UNDER WHICH HUMAN RIGHTS PROVISIONS OF HELSINKI FINAL ACT MIGHT BE BROUGHT INTO PLAY AT FORTHCOMING SESSION OF UN HRC WHICH WILL MEET IN GENEVA FEBRUARY 2-MARCH 5. THIS IS FIRST SESSION OF COMMISSION SINCE SIGNATURE OF HELSINKI
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FINAL ACT.

2. AT LAST TWO COMMISSION SESSIONS USSR HAS PROPOSED RESOLUTION LINKING DETENTE AND HUMAN RIGHTS. THRUST OF

USSR INITIATIVE HAS BEEN TO EMPHASIZE PARAMOUNTCY OF
HUMAN RIGHT TO LIFE FOR ENJOYMENT OF OTHER HUMAN RIGHTS
AND TO STRESS CONCLUSION THAT OBSERVANCE OF HUMAN RIGHTS

DEPENDS UPON STRENGTHENING OF INTERNATIONAL PEACE AND
SECURITY THROUGH DETENTE. US AND OTHER WESTERN DELEGATIONS
HAVE DISPUTED THIS PROPOSITION. THESE DELEGATIONS HAVE
POINTED OUT THAT ABUSES OF HUMAN RIGHTS HAVE LED TO
BREACHES OF INTERNATIONAL PEACE AND THAT PREFERABLE
FORMULA WOULD BE TO EMPHASIZE IMPORTANCE OF OBSERVANCE OF
HUMAN RIGHTS AS FOUNDATION FOR INTERNATIONAL PEACE AND
SECURITY. USSR HAS EMPHASIZED THEIR DESIRE TO ACHIEVE
CONSENSUS ON THEIR INITIATIVE. AT LAST HRC SESSION THEY
DECIDED NOT TO PRESS THEIR DRAFT RESOLUTION TO A VOTE ON
UNDERSTANDING IT WOULD BE TAKEN UP AT 1976 SESSION.

3. A SIMILAR DISPUTE BETWEEN USSR AND WESTERN COUNTRIES
CHARACTERIZED FINAL BASKET III NEGOTIATIONS IN CSCE, AND
COMPROMISE CONTAINED IN FINAL ACT REPRESENTS AGREED
SOLUTION. IT IS CLEAR THAT ONLY POSSIBLE BASIS FOR
AGREEMENT ON AN HRC RESOLUTION OF THE TYPE SOUGHT BY THE
SOVIETS LIES IN FORMULATIONS SUCH AS THOSE CONTAINED IN
HELSINKI FINAL ACT. WE THEREFORE CONSIDER IT IMPORTANT
THAT WESTERN DELS BE PREPARED TO RESPOND TO SOVIET
INITIATIVE WITH APPROPRIATE AMENDMENTS WHICH WOULD DRAW
AT LEAST IN PART ON HELSINKI DECLARATION LANGUAGE.

4. WE ALSO CONSIDER IT ADVISABLE TO BE PREPARED FOR
CONTINGENCY THAT USSR MAY SEEK TO USE HELSINKI FINAL ACT
TO THEIR ADVANTAGE IN HUMAN RIGHTS FIELD BY TABLING A NEW
DRAFT HRC RESOLUTION EMPHASIZING THOSE PARTS OF FINAL
ACT STRESSING NON-INTERVENTION IN INTERNAL AFFAIRS AND
RIGHT OF STATES TO DETERMINE THEIR LAWS AND REGULATIONS.
FOR USE IN SUCH CONTINGENCY WE BELIEVE WESTERN MEMBERS
OF HRC SHOULD BE PREPARED WITH A DRAFT RESOLUTION WHICH
COULD BE USEE TO COUNTER SUCH A SOVIET INITIATIVE. A
DRAFT OF SUCH A TEXT APPEARS AT THE END OF THIS MESSAGE
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AS DRAFT RESOLUTION A.

5. WE ARE ALSO OF THE VIEW THAT EVEN IF THE HELSINKI
DECLARATION DOES NOT ARISE THROUGH A USSR INITIATIVE SUCH
AS THAT DESCRIBED ABOVE IT WOULD BE USEFUL TO HAVE THE
HRC TAKE NOTE OF AND TO DRAW ATTENTION TO THE ACHIEVE-
MENTS OF THE HELSINKI FINAL ACT. TO ACCOMPLISH THIS WE
BELIEVE IT WOULD BE DESIRABLE FOR WESTERN MEMBERS OF THE
HRC TO PROPOSE UNDER AN APPROPRIATE AGENDA ITEM A
SEPARATE RESOLUTION, WORDED IN SUCH A WAY AS TO HAVE A
REASONABLE CHANCE OF OBTAINING SOVIET AGREEMENT. A DRAFT
TEXT ALONG THESE LINES IS AT THE END OF THIS MESSAGE AS
DRAFT RESOLUTION B.

6. USNATO IS REQUESTED TO RAISE THIS ISSUE AT NEXT POLADS MEETING, RECALLING OUR VIEW THAT NATO SHOULD CONSULT CLOSELY ON CSCE IMPLEMENTATION QUESTIONS. AT YOUR DISCRETION, YOU MAY WISH TO DISCUSS MATTER FIRST WITH CANADIAN, FRENCH, FRG, ITALIAN, UK AND TURKISH MISSIONS, SINCE THESE ARE WESTERN COUNTRIES REPRESENTED ON HRC. YOU SHOULD TAKE THE LINE THAT FOREGOING IDEAS ARE IN THE VERY PRELIMINARY STAGE AND BEFORE GOING FURTHER WE WOULD BE INTERESTED TO KNOW THE VIEWS OF OTHER SIGNATORIES OF THE HELSINKI FINAL ACT; FYI: AMONG THE MEMBERS OF THE UN HUMAN RIGHTS COMMISSION, THE FOLLOWING ARE SIGNATORIES OF THE CSCE FINAL ACT: AUSTRIA, CANADA, FRANCE, FRG, ITALY, TURKEY, UK, US, BULGARIA, CYPRUS, USSR, AND YUGOSLAVIA. END FYI.

7. USNATO SHOULD INFORM DEPARTMENT OF DATE IT PROPOSES BROACH THIS D IDEA AND RECOMMEND WHETHER SIMULTANEOUS OR FOLLOW-UP PRESENTATION THROUGH BILATERAL CHANNELS VIA INFO ADDRESSEES DESIRABLE.

8. USUN COMMENTS INVITED.

9. FOLLOWING ARE DRAFT TEXTS MENTIONED ABOVE:

DRAFT RESOLUTION A

THE COMMISSION ON HUMAN RIGHTS,
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--RECALLING THE PLEDGE OF ALL MEMBERS AS RECORDED IN ARTICLES 55 AND 56 OF THE UNITED NATIONS CHARTER TO COOPERATE WITH THE UNITED NATIONS IN THE PROMOTION OF UNIVERSAL RESPECT FOR AND OBSERVANCE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL, WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE, OR RELIGION,

--TAKING NOTE OF THE SUCCESSFUL CONCLUSION OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE WHICH WAS MARKED BY THE SIGNATURE OF THE PARTICIPANTS IN THAT CONFERENCE OF THE FINAL ACT,

--NOTING ESPECIALLY THAT THE DECLARATION ON PRINCIPLES GUIDING RELATIONS BETWEEN PARTICIPATING STATES INCLUDED IN THE FINAL ACT CONTAINS RENEWED PLEDGES BY THE SIGNATORIES OF RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE FREEDOM OF THOUGHT, CONSCIENCE, RELIGION OR BELIEF,

--DRAWING PARTICULAR ATTENTION TO THAT SECTION OF THE FINAL ACT RELATING TO COOPERATION IN HUMANITARIAN AND OTHER FIELDS WHICH RECORDS THE DETERMINATION OF THE

SIGNATORIES TO IMPLEMENT A NUMBER OF UNDERTAKINGS RELATING TO HUMAN CONTACTS, INFORMATION, COOPERATION AND EXCHANGES IN THE FIELD OF CULTURE, AND COOPERATION AND EXCHANGES IN THE FIELD OF EDUCATION,

--CONVINCED THAT THE ACHIEVEMENTS RECORDED IN THE FINAL ACT OF HELSINKI CONSTITUTE A SIGNIFICANT STRENGTHENING OF INTERNATIONAL PROTECTIONS FOR BASIC HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, AND THAT THEIR IMPLEMENTATION WILL GREATLY ASSIST THIS COMMISSION AND OTHER UNITED NATIONS ORGANS TO TAKE EFFECTIVE ACTION TO PROMOTE RESPECT FOR HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,

--CONVINCED AS WELL THAT REGIONAL UNDERSTANDINGS SUCH AS THAT EXEMPLIFIED BY THE HELSINKI FINAL ACT CONTRIBUTE AN INDISPENSABLE FOUNDATION FOR THE WORLEWIDE EFFORT TO PROMOTE AND PROTECT HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS;

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(1) WELCOMES THE CONCLUSION OF THE HELSINKI FINAL ACT AND THE HUMAN RIGHTS PROVISIONS INCLUDED IN THE DECLARATION ON PRINCIPLES GUIDING RELATIONS BETWEEN PARTICIPATING STATES AS WELL AS THOSE PROVISIONS RELATING TO COOPERATION IN HUMANITARIAN AND OTHER FIELDS,

(2) EMPHASIZES THE IMPORTANCE OF SUCH REGIONAL UNDERSTANDINGS FOR THE PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, IN CONFORMITY WITH THE PURPOSES AND PRINCIPLES OF THE CHARTER OF THE UNITED NATIONS AND WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS,

(3) DECIDES THAT AS A PART OF ITS FUTURE PROGRAMME OF WORK THE PROGRESS ACHIEVED THROUGH REGIONAL GROUPINGS OR ORGANS SHOULD BE SYSTEMATICALLY REVIEWED WITH A VIEW TO CLOSER COORDINATION THROUGH THE COMMISSION OF REGIONAL AND WORLDWIDE EFFORTS,

(4) REQUESTS STATES MEMBERS OF THE COMMISSION TO REPORT TO THE NEXT REGULAR SESSION OF SIGNIFICANT DEVELOPMENTS WITHIN THEIR REGIONS RELATING TO THE PROTECTION AND PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, SUCH REPORTS TO SUPPLEMENT THOSE PRESENTLY BEING RECEIVED THROUGH THE RECOGNIZED REGIONAL BODIES, NAMELY, THE ORGANIZATION OF AFRICAN UNITY, THE ORGANIZATION OF AMERICAN STATES, THE COUNCIL OF EUROPE AND THE LEAGUE OF ARAB STATES.

DRAFT RESOLUTION B

THE COMMISSION ON HUMAN RIGHTS,

--RECALLING THE PLEDGE OF ALL MEMBERS AS RECORDED IN ARTICLES 55 AND 56 OF THE UNITED NATIONS CHARTER TO COOPERATE WITH THE UNITED NATIONS IN THE PROMOTION OF UNIVERSAL RESPECT FOR AND OBSERVANCE OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS FOR ALL, WITHOUT DISTINCTION AS TO RACE, SEX, LANGUAGE, OR RELIGION;

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--REITERATING THE INTEREST OF ALL STATES MEMBERS OF THE COMMISSION IN STEPS TAKEN UNILATERALLY, BILATERALLY OR MULTILATERALLY WHICH RELATE TO HUMAN RIGHTS,

--MINDFUL OF THE NEED TO ENCOURAGE RESPECT FOR HUMAN RIGHTS THROUGHOUT THE WORLD,

--TAKING NOTE OF THE SUCCESSFUL CONCLUSION OF THE CSCE WHICH WAS MARKED BY THE SIGNATURE OF THE FINAL ACT OF THAT CONFERENCE BY THE HIGH REPRESENTATIVES OF THE PARTICIPATING STATES,

--CONVINCED THAT THE FINAL ACT OF HELSINKI CONTAINS IMPORTANT ACHIEVEMENTS WHICH ARE RELEVANT TO THE WORK OF THE COMMISSION;

(1) WELCOMES THE CONCLUSION OF THE CSCE AT THE HIGHEST LEVEL IN HELSINKI,

(2) CALLS ATTENTION TO THE PROVISIONS CONTAINED IN THE FINAL ACT OF THE CSCE,

(3) EMPHASIZES THE IMPORTANCE OF THE FINAL ACT AS A CONTRIBUTION TOWARD THE OBJECTIVES OF THE WORK OF THE COMMISSION,

(4) REQUESTS STATES MEMBERS OF THE COMMISSION TO REPORT TO THE NEXT REGULAR SESSION ON SIGNIFICANT DEVELOPMENTS RELATING TO THE PROTECTION AND PROMOTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, SUCH REPORTS TO SUPPLEMENT THOSE PRESENTLY BEING RECEIVED THROUGH THE RECOGNIZED REGIONAL BODIES, NAMELY, THE ORGANIZATION OF AFRICAN UNITY, THE ORGANIZATION OF AMERICAN STATES, THE COUNCIL OF EUROPE AND THE LEAGUE OF ARAB STATES. END TEXT.

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